

Introduced by Senator Soto and Romero
(Coauthors: Assembly Members Calderon and Firebaugh)

February 21, 2003

An act to add Sections 13272.2 and 13272.3 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1004, as introduced, Soto. Perchlorate.

(1) Existing law, the Porter-Cologne Water Quality Control Act, with certain exceptions, requires a person who causes or permits any oil or petroleum product to be discharged in any waters of the state, or where it may be so discharged, to immediately notify the Office of Emergency Services. The act makes any person who fails to provide the notice guilty of a misdemeanor that is punishable by a fine of at least \$500, and not more than \$5,000, for each day of failure to notify.

The act requires each California regional water quality control board, every 3 months, to publish and distribute to all public water system operators within the region a list of discharges of MTBE that occurred during the prior 3-month period and a list of locations where MTBE was detected in the groundwater within the region.

This bill, with a certain exception, would require a person who causes or permits perchlorate to be discharged in any waters of the state, or where it may be so discharged, to immediately notify the State Water Resources Control Board. The bill would make a person who fails to provide that notice guilty of a misdemeanor that is punishable by a fine of not less than \$500, or more than \$5,000, for each day of failure to notify. The bill would require certain persons who use or manufacture perchlorate, on or before April 1 of each year, to provide certain public water suppliers with information concerning the storage and discharge

of perchlorate. The bill would make any person who fails to provide that notice guilty of a misdemeanor that is punishable by a fine of not less than \$5,000 for each day of failure to notify. Because the failure to notify in accordance with these provisions is a crime, this bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13272.2 is added to the Water Code, to
2 read:

3 13272.2. (a) Except as provided by subdivision (b), any
4 person who, without regard to intent or negligence, causes or
5 permits perchlorate to be discharged in or on any waters of the
6 state, or discharged or deposited where it is, or probably will be,
7 discharged in or on any waters of the state, shall, as soon as (1) that
8 person has knowledge of the discharge, (2) notification is possible,
9 and (3) notification can be provided without substantially
10 impeding cleanup or other emergency measures, immediately
11 notify the state board.

12 (b) The notification required by this section does not apply to
13 a discharge in compliance with waste discharge requirements or
14 other provisions of this division.

15 (c) Any person who fails to provide the notice required by
16 subdivision (a) is guilty of a misdemeanor and shall be punished
17 by a fine of not less than five hundred dollars (\$500), or more than
18 five thousand dollars (\$5,000), for each day of failure to notify.

19 SEC. 2. Section 13272.3 is added to the Water Code, to read:

20 13272.3. (a) Any person that uses one or more barrels of
21 perchlorate each year, or who manufactures 500 or more pounds
22 of perchlorate each year, on or before April 1 of each year, shall
23 provide a public water supplier located within ____ miles of that
24 person's storage facility with all of the following information:



1 (1) The number of pounds of perchlorate stored at the facility.

2 (2) The method of storage.

3 (3) The total number of pounds of perchlorate discharged into
4 state waters or on land from that facility.

5 (b) Any person who fails to provide the notification required by
6 subdivision (a) is guilty of a misdemeanor and shall be punished
7 by a fine of not less than five thousand dollars (\$5,000) for each
8 day of failure to notify.

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

